

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 21, 2007

DEPARTMENT: BUSINESS DEVELOPMENT

ITEM DESCRIPTION: Discussion and possible action regarding a First Amendment to Exclusive Negotiation Agreement with CIM LL Las Vegas, LLC for parcels at 4th Street and Stewart Avenue

1. On 7/18/07, Council approved an Exclusive Negotiation Agreement (ENA) to allow the City and CIM LL Las Vegas, LLC (CIM) to negotiate terms of a Disposition and Development Agreement (DDA) for parcels located at 4th St. and Stewart Ave. (Site).
2. The CIM has provided the City with a \$100,000 Developer's Deposit as assurance that they will proceed diligently to negotiate and perform all of their obligations under the ENA. In the event CIM fails to negotiate in good faith on the terms of a DDA, the deposit may be retained by the City.
3. Current terms of the ENA call for:
 - a. CIM to provide a master plan for the Site (Master Plan) prior to expiration of the First Negotiation Period on 11/17/07; and,
 - b. CIM and the City to mutually agree on the scope, conceptual plan and business terms for acquisition of the Site in order to start the Second Negotiation Period thereby extending the ENA to 3/19/08.
4. The Master Plan, when completed, will serve as the basis for negotiation of the Disposition and Development Agreement between the City and CIM for the Site.
5. However, covenants in the Grant Deed that conveyed ownership to the City of the historic Federal Building-Post Office (located on the Site) require that the National Park Service (NPS) approve the Master Plan before terms of a DDA can be finalized.
6. Only after NPS approval of the Master Plan has been granted, can a final DDA be brought to Council for consideration.
7. The purpose of the First Amendment to ENA is to extend both the the negotiation period for the ENA and the date for submission of the Master Plan to March 18, 2008.